(b) when was the counter affidavit filed and what is the present position of the case?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI CHINTA MOHAN): (a) and (b) The counter affidavit was filed in February, 1992. The subject matter is presently pending in the Calcutta High Court.

Government's decision on appeals under IDPL CDA Rules

2261. SHRIMATI KAMLA SINHA: Will the PRIME MINISTER be pleased to refer to the answer to Unstarred Question 1119 given in the Rajya Sabha on 7th May, 1992 and state:

(a) whether there is no appeal against the order passed under Rule 30-A of the IDPL Conduct, Discipline and Appeal Rules, 1978;

(b) whether Rule 33 *ibid* provides for review of the order passed under Rule 30-A; and

(c) if so, the reasons for providing review of the order passed under Rule 30-A and not for appeal against the said order?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI CHINTA MOHAN): (a) Yes, Madam.

(b) The provision under Rule 33 of the said Rules is omnibus and confers over-riding powers for a review of any order passed under the IDPL Conduct. Discipline and Appeal Rules, 1978.

(b) Rule 30-A is a special procedure for certain categories of cases and this rule can be invoked in specified circumstances namely, (i) when a post is held by an employee is abolished; (ii) an employee is declared unfit on medical grounds for the service of the company and (iii) an employee remains on unauthorised absence for 30 days or more. The rule provides an opportunity to the employee to explain his conduct and decision is taken at the highest level in the undertaking after scrutiny of each such case by a Screening Committee and for reasons to be recorded in writing. Therefore, no separate provision for an appeal against an order passed under Rule 30-A has been made.

Procedure against unauthorised absence of IDPL employees

2262. SHRI MD. SALIM: Will the PRIME MINISTER be pleased to refer to the answer to Unstarred Question 1148 given in the Rajya Sabha on 7th May, 1992 and state:

(a) whether proceedings are started promptly in IDPL for unauthorised absence exceeding four days as provided for in Rule 5(7) thereof;

(b) whether there are cases in which this lingered on for over one year or more for a charge sheet to be finally issued,

(c) whether simultaneously proceedings were initiated under Rule 30-A requiring termination of services after 30 days absence;

(d) whether during this period the leave applied for was refused and the employees were not suspended and left without any means of subsistence;

(e) whether this is an unfair practice; and

(f) what action Government propose to take to rectify the wrong done to the employees ?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI CHINTA MOHAN): (a) to (c) Rule 5 of the IDPL Conduct, Discipline & Appeal Rules, 1978 lists the type of misconduct for which an employee is liable to disciplinary action. The list is illustrative and not conclusive. Unauthorised absence for more than four days is a misconduct within the meaning of Rule 5 of the said Rules. As reported by IDPL, disciplinary proceedings are initiated within reasonable time depending upon the circumstances, the reasons for unauthorised absence and

the circumstances, the reasons for unauthorised absence and the attendant facts. IDPL is a multi-unit company with five manufacturing plants and 18 Regional Offices in the Marketing Division and, therefore, the process of communication takes some time. Charge-sheet cannot be issued automatically or mechanically as application of the mind of the disciplinary authority in considering the entire facts is a condition precedent to such disciplinary actions. Except in some stray cases where the delay might have been as a result of protracted correspondence with the delinquent officers, the charge-sheet is normally issued within a reasonabletime after a decision is taken by the respective disciplinary authority. In no case simultaneous proceedings were initiated under Rule 30-A.

(d) to (f) When an employee is absent from duty without proper sanction of leave, the employee is not entitled to any leave salary. Leave refused is treated as absence from duty without sanction. Grant of leave is not a matter of right and it depends on the exigencies of work. The Leave Rules followed in IDPL are same as those followed in the case of Central Government employees. In respect of the matters relating to service conditions of employees of an Undertaking, the authority competent is the Board of Directors and Government normally does not interfere in such internal matters of management and discipline of a public sector company.

Employees of Marketing Division of IDPL

2263. SHRIMATI KAMLA SINHA:
SHRI MOHAMMED AFZAL *alias* MEEM AFZAL:
SHRIMATI SARALA MAHESHWARI:

Will the PRIME MINISTER be pleased to refer to the answer to Unstarred Question 3071 given in the Rajya Sabha on 19th December, 1991 and state:

(a) whether some employees of the marketing division of IDPL before their transfer, were condemned on false charges and punished by stopping their future promotions in an irregular manner by the concerned head in 1989;

(b) whether it is a fact that in their cases they had over-fulfilled the targets given and there was no other change at all;

(c) if so, whether Government would compare the targets given to them and their achievements to confirm the above; and

(d) if so, what action Government propose to take in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI CHINTA MOHAN): (a) to (d) As reported by IDPL, there was no condemnation of any employee on false charges. The majority of the officials transferred were not good performers and it is not correct that they had over-fulfilled the targets. There is no direct link between performance and transfer and, therefore, there is no necessity of comparing the targets given vis-a-vis achievements. Transfer is prorogative of the Management and mobility of officials of Marketing Division is an administrative necessity. Officials are liable to serve anywhere in India as per the requirements of the Organisation. In the matter of such internal management of a public sector undertaking, Government normally does not interfere.

Adoption of fictious norms by DPRC

2264. SHRI RAJNI RANJAN SAHU: Will the PRIME MINISTER be pleased to refer to the answer to Unstarred Question 1145 given in the Rajya Sabha on 7th May, 1992 and state:

(a) whether it is a fact that artificial and fictitious norms, fictitious raw material rates and other arbitrary parameters adopted by the DPRC with the consent of Govenment have lead to steep price hike of medicines;

(b) what were the earlier and revised prices of ceiling packs announced after January, 1992 and what is the percentage of increase; and